

## Remarks

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1, 3-5, 7-9, 11-14, and 16-17 are pending in this application upon entry of this Amendment. In this Amendment, the Applicant has amended each of independent claims 1, 5, 9, and 14.

### Claim Rejections – 35 U.S.C. § 103

In the Office Action mailed on July 1, 2003, the Examiner rejected claims 1, 3-5, 7-9, 11-14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,633,484 issued to Zanchi et al. (“Zanchi”) in view of U.S. Patent No. 6,198,996 issued to Berstis et al. (“Berstis”). The Applicant respectfully traverses the rejection to the claims under 35 U.S.C. § 103(a) and believes that the claimed invention is patentable over any combination of Zanchi and Berstis.

#### **1. The Claimed Invention**

Amended independent claims 1, 5, 9, and 14 recite the idea that information regarding usage of a vehicle device by a human operator is received by a portable information storage device and then this information is accessed from the portable information storage device to set an operating parameter of a non-vehicle device corresponding to the vehicle device. Amended independent claims 1, 5, 8, and 14 further recite the idea that an off-board non-vehicle control system sets the operating parameter for the non-vehicle device based on the following information stored in the portable information storage device: (1) information obtained from an operator which is representative of the operator’s preference for the operating parameter of the vehicle device; and (2) information representative of usage of the vehicle device by the operator.

## 2. Zancho and Berstis

The Examiner posited that Zancho teaches the claimed invention with the exception of storing information regarding the usage of a vehicle device and setting an operating parameter value for the corresponding non-vehicle device as a function of the vehicle usage. The Examiner posited that Zancho teaches user preferences including broadcast station preferences. The Examiner posited that Zancho teaches the capability of “updating the usage data” (citing col. 3, lines 65-67; and col. 4, lines 1-4 of Zancho).

The Examiner posited that Berstis teaches storing and updating information representing the usage of a vehicle device (citing col. 10, lines 43-60 of Berstis). The Examiner posited that it would have been obvious to include the capability to update the usage data of the vehicle device of Berstis when the portable information storage device of Zancho is in a vehicle in order to adjust the corresponding non-vehicle device with the newly changed usage data.

## 3. The Claimed Invention Compared to Zancho and Berstis

The claimed invention generally differs from any combination of Zancho and Berstis in that in the claimed invention the portable information storage device receives information regarding usage of a vehicle device. The portable information storage device may then be accessed by a non-vehicle control system to set the corresponding non-vehicle device based on the information regarding the usage of the vehicle device.

In contrast to the claimed invention, Berstis teaches that a monitoring system 290 monitors use of a vehicle device and the usage information can be used “to update the user preferences in the onboard system memory 22” of the on-board vehicle computer 20. Berstis does not teach or suggest to update, in a portable information storage device such as SmartCard 1015 located at user interface 28, the user preferences based on usage of the vehicle device. More particularly, Berstis does not teach or suggest to store information regarding usage of the vehicle device on such a portable information storage device. (See FIGS. 2-10; and col.

10, lines 43-60). In the claimed invention, information regarding the usage of the vehicle device is stored in the portable information storage device such that the portable information storage device can be transferred to a non-vehicle control system to control a corresponding non-vehicle device accordingly.

Zancho teaches updating stored user preferences, but does not teach or suggest storing or updating information representative of usage of an item such as a vehicle device in which such information is received from an item such as a vehicle interface. That is, information regarding the usage of the vehicle device, i.e., the “usage data” as set forth by the Examiner, is not the same as “user preferences”. This is evident from the Examiner’s position that Zancho does not teach storing information regarding the usage of a vehicle device. (See col. 3, line 41 through col. 4, line 4 of Zancho.)

Accordingly, the claimed invention is patentable over any combination of Zancho and Berstis as such combination does not teach or suggest a portable information storage device for receiving information regarding usage of a vehicle device from a vehicle control system and for being accessed by a non-vehicle control system to control a corresponding non-vehicle device in accordance with the information regarding the usage of the vehicle device.

In view of the foregoing amendments and remarks, the Applicant believes that amended independent claims 1, 5, 9, and 14 are patentable over any combination of Miller and Walsh. Claims 3-4, 7-8, 11-13, and 16-17 depend from one of the amended independent claims and include the limitations thereof. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

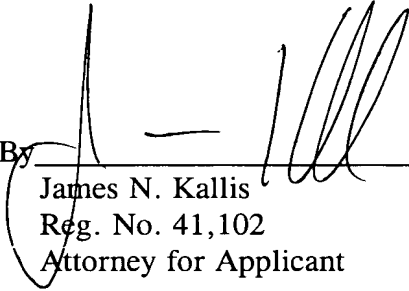
### CONCLUSION

In summary, claims 1, 3-5, 7-9, 11-14, and 16-17, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

**JOHN LORING YESTER et al.**

By  \_\_\_\_\_  
James N. Kallis  
Reg. No. 41,102  
Attorney for Applicant

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**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351